REMARKS

In this Final Action, claims 5 and 6 were rejected on the same grounds and under the same reasoning as in prior actions. Applicant's arguments in a Response filed on August 31, 2001, were dismissed out of hand and without rebuttal. In addition to requesting reconsideration of these rejections, Applicant is concurrently filing a Notice of Appeal in the event that the rejections are maintained.

It is not disputed that no prior art publication is of record in this case that anticipates the series of operational steps defined in Applicant's claims 5 and 6. In prior actions, it has been acknowledged that the Adamchick patent No. 5,761,668, does not anticipate Applicant's claims and "does not explicitly teach adding said integers of one of said plurality of files to another of said plurality of files to generate a sum, and optionally; whenever necessary, adding 635 to said sum". (Page 3, Paper No. 26, Examiner's Office Action Summary). No prior art reference has been found that shows this critical element of Applicant's claims 5 and 6 that is missing from Adamchick.

Instead, support for the obviousness rejection of Applicant's claims falls solely upon what is presumed to be well known in the art. It was stated that "the feature of "adding an integer to another numbers [sic] to generate a sum" is well-known in the art and well-applied in many exclusively [sic] operations." Applicant is not claiming arithmetic addition and is not claiming simply adding two numbers together. Instead, Applicant is claiming a process or series of operational steps for addressing the Y2K date problem that relies, in part, upon a specific addition or subtraction step not found or suggested in the prior art.

Clearly, characterizing Applicant's invention as nothing more than simple arithmetic addition is incorrect. Even the support in the Office Action for this over-broad statement misses the mark. Reference was made to "odometers and other registers" as somehow supplying the elements missing in the Adamchick reference. However, an odometer is not a computer date file or even a system for making date determinations across millennium boundaries. An odometer does not operate in any fashion like Applicant's claimed invention. Odometers are advanced one unit at a time and turn over when the next single unit rolls the odometer over. Odometers do not operate as suggested

in the Office Action by adding various integers to an existing odometer reading. Thus, the example of adding 5 to a 3-digit odometer makes no sense.

Even if this error can be overlooked, the odometer example in the Office Action exposes the problem with the example. Specifically, how does one calculate the difference between the initial reading 999 and later odometer reading 004? Using the common sense approach of subtracting the initial mileage from the later mileage yields -995, which of course makes no sense. Subtracting the later from the initial at least produces a positive number, but the result of 995 is incorrect. Thus, even if the odometer analogy can be accepted, it still does not operate in a fashion remotely similar to Applicant's invention. In fact, this odometer example does not even recognize the problem of mileage subtraction across the odometer rollover value.

(Interestingly, an algorithm to address this subtraction problem requires subtracting the initial reading from 1000 and then adding the result to the later odometer reading. Of course, this approach cannot be implemented by the odometer because it only permits a three-digit number, which eliminates the ability to subtract from a four-digit number 1000).

The second example purports to be more directly related to Applicant's date calculation process. The example still does not directly address the Y2K issue that is solved by Applicant's invention. Simply recognizing that adding 5 days to 364 days produces an undesirable result does not render Applicant's invention obvious, or even constitute well-known prior art that can be used in rejecting Applicant's claims. The Office Action does not describe any solution to this day addition problem. Instead, the action states that, "The addition of 635 turns a module-1000 [sic] register into a module-365 [sic] register because it would make a decimal register into a year-day register". Applicant does not understand what this statement is intended to mean, or how the addition of 635 can change one register into a different register.

At a minimum, the discussion of turning one modulo register into another modulo register suggests that something more than mere substitution is required to mold this so-called well-known information into something that can even be combined with Adamchick. At a higher level, this purported example of well-known information

requires much more explanation than is presented in the Office Action. Applicant's invention does not involve modulo registers that can be altered on the fly. Applicant's seven-digit date representation is fixed, so it is difficult to understand how a discussion of convertible modulo registers is appropriate or enlightening.

The information presented in the Office Action as being "well-known" is convoluted. No attempt has been made to demonstrate how the proposed examples can actually be combined with Adamchick. No effort has been made to relate these proposed examples to the Y2K problem actually solved by Applicant's invention - i.e., date addition and subtraction across millennia. No attempt has been made to address Applicant's prior arguments with respect to the modulo register examples.

The bottom line is that there is no prior art, whether taken alone or in combination, that shows Applicant's invention of claims 5 and 6. Applicant recently obtained a copy of an article in the well-known periodical "Scientific Computing & Automation". The article, dated February 1998, discusses eleven Y2K solutions. None of these solutions is identical, or even similar, to Applicant's claimed invention. None of these "basic technical solutions" utilizes Applicant's seven-digit date format. (Note, Example 9 on p.30 truncates a seven digit Julian date to a six-digit date that limits its usability to a fixed 1000 year window). None of these examples add or subtract 635 in accordance with Applicant's claimed invention. (Note, Example 10 discusses adding 100 to account for negative numbers in date calculations).

Unlike the purported well-known information presented in the Office Action, the technical periodical "Scientific Computing & Automation" is indicative of what software programmers knew and were thinking just prior to the filing date of Applicant's application (but still nearly two years after Applicant's conception). None of the eleven so-called "basic technical solutions" remotely resembles the examples suggested in the Office Action as somehow rendering Applicant's invention obvious. More importantly, none of these "basic technical solutions" from 1998 anticipate or suggest Applicant's invention of claims 5 and 6.

CONCLUSION

The MPEP permits use of facts outside the record "which are capable of instant and unquestionable demonstration as being 'well-known' in the art". MPEP 2144.03. It is apparent that the examples in the Office Action are not capable of either "instant" or "unquestionable" demonstration as being valid examples, let alone examples of what is well-known in the art. The MPEP also states that if Applicant traverses the assertion of "well-known in the art", the Examiner is obliged to cite a reference supporting the assertion. Applicant has previously traversed this same assertion, and the present Office Action offers no support whatsoever to rebut this traversal.

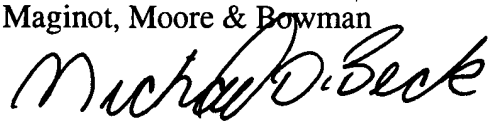
Applicant has again traversed the "well-known in the art" assertion in this response, and has provided a reference that shows no recognition at all of what the Examiner claims is well-known to persons of skill in this art. The publication was clearly prepared by a person of skill in software programming, was directed to persons of skill in this art and specifically addressed the Y2K problem solved by Applicant's invention. Like the prior patents already of record, this publication demonstrates what was actually well-known to a person of skill in the art near Applicant's filing date. Nothing in any of the published works of record in this case anticipate or render obvious Applicant's invention.

Applicant has more than sustained his burden to demonstrate the error in the supposed "well-known" information relied upon to reject Applicant's claims 5 and 6. In opposition to the wealth of printed publications supporting Applicant's position, all that is offered is a single paragraph of convoluted and unsupported statements. These statements are not sufficient to overcome Applicant's significant showing and are definitely not sufficient to sustain the Examiner's burden of demonstrating the non-obviousness of the claimed invention in the face of Applicant's rebuttal.

Reconsideration of the final rejections in this latest Final Office Action is respectfully requested. It is believed that Applicant has traversed every ground offered in support of the rejection and has amply demonstrated the patentability of claims 5 and 6 of the present application. Favorable action toward a Notice of Allowance is hereby solicited.

Respectfully submitted,

Maginot, Moore & Bowman



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